

OLDHAM BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990

NOTICE UNDER SECTION 215 AS TO LAND ADVERSELY
AFFECTING THE AMENITY OF THE AREA

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TO: Decko Limited, Broadway House, 74 Broadway Street, Oldham, OL8 1LR

1. THE NOTICE

This notice is served by Oldham Borough Council (“the Council”) under section 215 of the Town and Country Planning Act 1990 because it appears to the Council that the amenity of a part of its area is adversely affected by the condition of the land and property described below, due to the easy access that can be gained to the site and the unfinished dwellings located on the land, to the detriment of the visual amenities of nearby residential occupiers and that of the surrounding area.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Near Birches Parade, Oldham OL4 5PZ as shown edged red on the attached plan (“the Land”).

3. WHAT YOU ARE REQUIRED TO DO

The Council requires the following steps to be taken for remedying the condition of the Land:

Elevation facing Near Birches Parade:

- 3.1 Erect and maintain a security fence and gate to prevent unauthorised access to the Land. The fence should be constructed from either timber or steel and should be oriented vertically to avoid step up points for climbing and should be able to resist being prised away. The fence should be constructed from no less than 25mm thick timber or tubular steel with a wall thickness of no less than 1.5mm and securely fixed to the frame. Where a panel is constructed of welded mesh, the gaps between the mesh strands must be small enough to resist climbing. The height of the fence must be minimum 2.5m high.
- 3.2 Erect a fence to go around the perimeter of Land facing Near Birches Parade. The fence should be constructed from either timber or steel and should be oriented vertically to avoid step up points for climbing and should be able to resist being prised away. The fence should be constructed from no less than 25mm thick timber or tubular steel with a wall thickness of no less than 1.5mm and securely fixed to the frame. Where a panel is constructed of welded mesh, the gaps between the mesh strands must be small enough to resist climbing. The height of the fence must be minimum 2.5m high.

Accommodation blocks on the Land:

- 3.3 All windows and entrances to the accommodation blocks must be either blocked or boarded up to prevent unauthorised entry.
- 3.4 External facades on both accommodation blocks should be completed with glazed windows fully in place.
- 3.5 The roofs on both accommodation blocks should be fully tiled.
- 3.6 Both accommodation blocks should be issued with a Completion Certificate pursuant to the Building Regulations 2010 and comply with NHBC Standards.

4. TIME FOR COMPLIANCE

The steps specified in paragraph 3 above must be carried out within the following timescales:

- 3.1 The fence must be erected within 21 days of the Notice taking effect.
- 3.2 The fence must be erected within 21 days of the Notice taking effect.
- 3.3 The windows and entrances must be either blocked or boarded up within 21 days of the Notice coming into effect
- 3.4 The external facades on both accommodation blocks must be completed with glazed windows fully in place within 6 months of the Notice coming into effect.
- 3.5 The roofs on both accommodation blocks should be fully tiled within 12 months of the Notice coming into effect.
- 3.6 The accommodation blocks should be issued with a Completion Certificate pursuant to the Building Regulations 2010 and comply with NHBC Standards within 12 months of the Notice coming into effect.

5. WHEN THIS NOTICE TAKES EFFECT

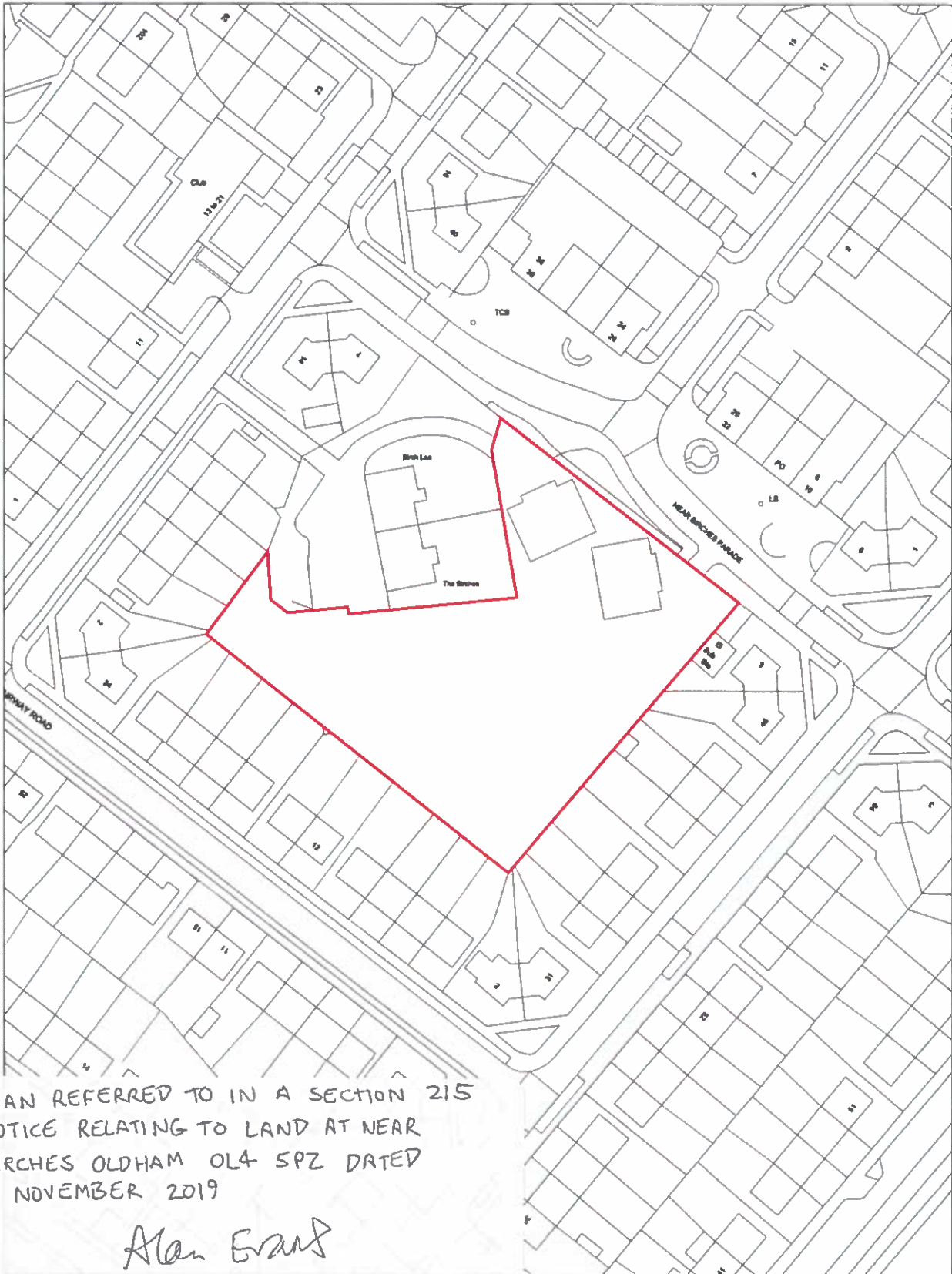
This Notice takes effect on 20 December 2019

Date: 19 November 2019

Signed 

**For Paul Entwistle
Director of Legal Services
Oldham Council
Civic Centre
West Street
Oldham
OL1 1UL**

Near Birches Parade, Oldham, OL4 5PZ



Drawn by:	
Division:	
Drawing No:	
Date: 02:10:19	Scale: 1:1000

Oldham Council
Civic Centre
West Street
Oldham
OL1 1UT



**RIGHT OF APPEAL AGAINST S215 NOTICE
SECTIONS 217 – 218 TOWN AND COUNTRY PLANNING ACT 1990**

S.217.

- (1) A person on whom a notice under Section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds:-
 - a) That the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
 - b) That the condition of the land to which the notice relates is attributed to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III;
 - c) That the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority, who served the notice, or of any adjoining area;
 - d) That the period specified in the notice as the period within any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- (2) Any appeal under this section shall be made to the Magistrates' Court acting for the petty sessions in which the land in question is situated.
- (3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On such an appeal the Magistrates' Court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.
- (5) On the determination of such an appeal the Magistrates' Court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
- (6) Where any person has appealed to a Magistrates' Court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

S.218.

Where an appeal has been brought under section 217, an appeal against the decision of the Magistrates' Court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

The Magistrates' Court for any appeal against this Notice is:

Tameside Magistrates' Court
Henry Square
Ashton-under-Lyne
OL6 7TP

Telephone: 0161 330 2023